

**6 DCNW2008/1598/F - PROPOSED TEMPORARY METEOROLOGICAL MONITORING MAST AT LAND TO THE EAST OF LLANSHAY LANE, REEVES HILL.**

**For: Mr M Corker per Mr M Wilson, Dulas Ltd. Unit 1 Dyfi Eco Park, Machynlleth, Powys, SY20 8AX.**

**Date Received: 23 June 2008 Ward: Mortimer Grid Ref: 31852, 69013**

**Expiry Date: 18 August 2008**

Local Member: Councillor LO Barnett

**1. Site Description and Proposal**

- 1.1 The land on which the development site is located lies on a hill top plateau of undulating farmland of enclosed moors and commons landscape type, and is accessed via the Unclassified 91621 public highway, which is located to the west of the application site.
- 1.2 The proposed development site is agricultural land managed as livestock grazing land predominately used by sheep.
- 1.3 The site is located within Herefordshire within close proximity to the boundary with Powys. Presteigne is located to the South of the site and Knighton to the north. To the west is the village of Norton through which the B4355 public highway connects Presteigne to Knighton (2 - 3 km from the site).
- 1.4 The application proposes a temporary meteorological monitoring mast for a period of 12 months, in order to record wind resource data in relationship to a proposed development for the installation of 4 wind turbine generators, that are subject to application reference DCNW2008/1289/F currently under planning consideration by the council.
- 1.5 The proposed temporary mast has a height (from ground level to tip) of 68 metres (main pole), and will be supported by guy wires that will have a ground area of approximately 30 metres width either side of the central pole of the proposed temporary mast.

**2. Policies**

**2.1 Central Government Policy**

Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Guidance 22 – Renewable Energy

Energy White Paper – May 2007

**2.2 Regional Planning Guidance**

West Midlands Regional Assembly Climate Change Action plan - draft consultation  
July 2007

A sustainable future for the West Midlands Regional Sustainable Development Framework version two – July 2006

### 2.3 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC5	-	European and Nationally Protected Species
NC8	-	Habitat Creation, Restoration and Enhancement
CF4	-	Renewable Energy

### 3. Planning History

3.1	DCNW2008/1289/F	Proposed erection and operation of 4 wind turbines and associated access tracks, hard standing and sub-station building.	Currently under planning consideration.
	95/0598/N	Construction of 9 wind turbine generators, associated works, access roads and cabling system as part of a larger development consisting of the erection of a 14 turbine wind farm development	Refused 20th March 1996
	94/0499	Erection of a 41 metre anemometer mast for twelve months only on land at Tipton Farm, Willey	Approved 10th October 1994
	93/216	Siting of two anemometer masts 40 and 10 metres high for evaluating wind speed for six months only at Tipton Farm	Approved 8th June 1993

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 The Civil Aviation Authority raises no objections.
- 4.2 Defence Estates raises no objections.
- 4.3 Clwyd – Powys Archaeological Trust raises no objections.
- 4.4 English Heritage raises no objections.
- 4.5 Natural England raises no objection

Internal Council Advice

- 4.7 The Environmental Health Manager raises no objections.
- 4.8 The Public Rights of Way Manager raises no objections.
- 4.9 The Transportation Manager raises no objections subject to attachment to any approval notice subsequently issued HN21 "Extraordinary Maintenance". This brings to the attention of the applicant/developer section 59 of the Highways Act 1980, which allows Highways Authorities to recover additional costs of road maintenance due to damage by extraordinary traffic.
- 4.10 The Landscape Manager raises no objections commenting that the gathering of accurate information will potentially outweigh the short-term impact of the mast.
- 4.11 The Planning Ecologist has no objections to the proposed development subject to a condition being attached to any subsequent approval notice issued with regard to mitigation and enhancement to any protected species on site as a precautionary approach in respect of this application.
- 4.12 The Archaeology Manager raises no objections.

**5. Representations**

- 5.1 Presteigne and Norton Town Council (Powys), raises no objection to the temporary construction of a mast but raise questions about an application already registered with the council for a proposed turbine development on site to which wind monitoring subject to this application is relevant to. They also question will the Council independently monitor the results of the survey, and why is the height of the mast much less than the height of the proposed turbines subject to application reference: DCNW2008/1289/F.
- 5.2 Knighton Town Council, (Powys), raise concerns on interference with the water source.
- 5.3 Willey Parish Council raises no objections
- 5.4 Lingen Parish Council raise no objections.
- 5.5 Shobdon Airfield Manager objects to the proposed development stating he considers the proposed development will have a significant impact upon flight safety in the Shobdon/Presteigne area.
- 5.6 Objections have also been received from:

Dr. Stephen Hugh-Jones, Chairman on behalf of Stonewall Hill Conservation Group.  
Mrs A.V. Harley, The Harley Estate, Brampton Bryan, Bucknell, Shropshire.  
Dennis Litt, via email.  
Andrew Price, Goat House, (also by email).

Objections/comments raised can be summarised as follows:

Why require wind testing at this stage in the planning process, in consideration of the application, (reference: DCNW2008/1289/F) for 4 wind turbines currently under planning consideration by the council.

The application is inappropriate and presumptuous if the data required from the temporary mast is required in relationship to the proposal for 4 wind turbines on site.

Assurance required that Herefordshire Council will ensure an independent body will also monitor wind speed if application is approved.

Why is proposed wind monitoring mast considerably shorter than the overall height of the proposed wind turbines on site?

The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

6.1 The key main issues with regards to this application are:

Necessity for the proposed development  
Impact in surrounding landscape and biodiversity  
Impact upon flight safety

### Necessity for the proposed development

- 6.2 The applicants have submitted the application for the proposed meteorological mast to be on site for a period of 12 months in order to collect wind speed and direction data.
- 6.3 The wind speed will be collected at various heights on the mast via instruments that measure wind speed and direction. This wind speed data is then used in a financial model to assess the viability of building a wind farm on the site.
- 6.4 The hub height of the proposed wind turbines subject to application reference NW2008/1289/F (presently under planning consideration by the council), is in the range of 65 – 69 metres. It is the hub height that is the key figure to bear in mind as the centre point of the swept area and point at which wind speed is modelled for performance purposes.
- 6.5 The applicants have indicated in their E.I.A statement that accompanies the application for the proposed wind turbines on site, that they are also relying on wind data gathered on site for a previous application for wind turbines development, refused planning permission by Leominster District Council subject to application reference: 95/0598/N on 20<sup>th</sup> March 1995.
- 6.6 In response to objections received with regards concerns that wind speed data for the site should be gathered prior to consideration to a proposed wind turbine development on site, and monitoring of wind data. This is not a material planning consideration for the council to consider, it would be reasonable to consider the developers would not pursue an application for the turbines development on site, unless they were satisfied that it would be economically viable, as indicated in a recent high court challenge to a Council's decision to grant planning approval for a wind turbine scheme, prior to the collection of wind speed data on site, (Finn- Kelsey V Milton Keynes Council 18th July 2008).

Impact on Surrounding Landscape and Biodiversity

- 6.7 The Council's Landscape Manager has responded to the application with no objections, commenting that the time limit impact on the landscape will be minimised and that the gathering of accurate information will potentially outweigh the short-term impact of the mast.
- 6.8 The Council's Planning Ecologist has responded to the application with no objections subject to the inclusion of a condition with regards to mitigation and enhancement in respect of protected species that may use the site as a precautionary approach during the construction phase in consideration on the Wildlife and Countryside Act 1981.
- 6.9 Natural England have responded to the application with no objections subject to satisfactory measure taken with regards to protected species that may use the site, and their surrounding habitats.

Impact on Flight Safety

- 6.10 The Manager of Shobdon Airfield has responded to the application objecting to the proposed development stating he believes the proposed development will have a significant impact upon flight safety in the Shobdon/ Presteigne area.
- 6.11 The response received to the application from the Airport Manager states that Shobdon Airfield is licensed by the Civil Aviation Authority, (CAA), as an airfield, and in order to maintain their license Shobdon must satisfy the CAA, that the airfield is safe for use by aircraft, and in particular the physical characteristics of the areodrome and its surroundings.
- 6.12 It is noted that the CAA as well as NATS and Defence Estates do not object to the proposed development. Therefore it is considered that the objection to the application from the Airport Manager is insufficient to justify refusal.

**RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

**1. A01 (Time limit for commencement (full permission))**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act.**

**2. The development hereby permitted shall be removed off site within 12 months of construction on site, in accordance with an agreed timetable and site management plan, agreed in writing with the Local Planning Authority prior to any development on site.**

**Reason: In order to control the form of development on site in consideration of landscape amenity and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.**

**3. I33 (External lighting)**

**Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Hereordshire Unitary Development Plan.**

4. Prior to any development on site a scheme for ecological mitigation and enhancement which will include a full working method statement will be submitted and agreed in writing with the Local Planning Authority.

**Reason:** To ensure that great crested newts, nesting birds, wildlife foraging areas and plant species are protected in accordance with Policies NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and to comply with the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats and Conservation), Regulations 19943 (as amended).

**Informatives:**

1. N15 - Reason(s) for the Grant of Planning Permission
2. N19 - Avoidance of doubt – Approved Plans
3. HN21 - Extraordinary maintenance

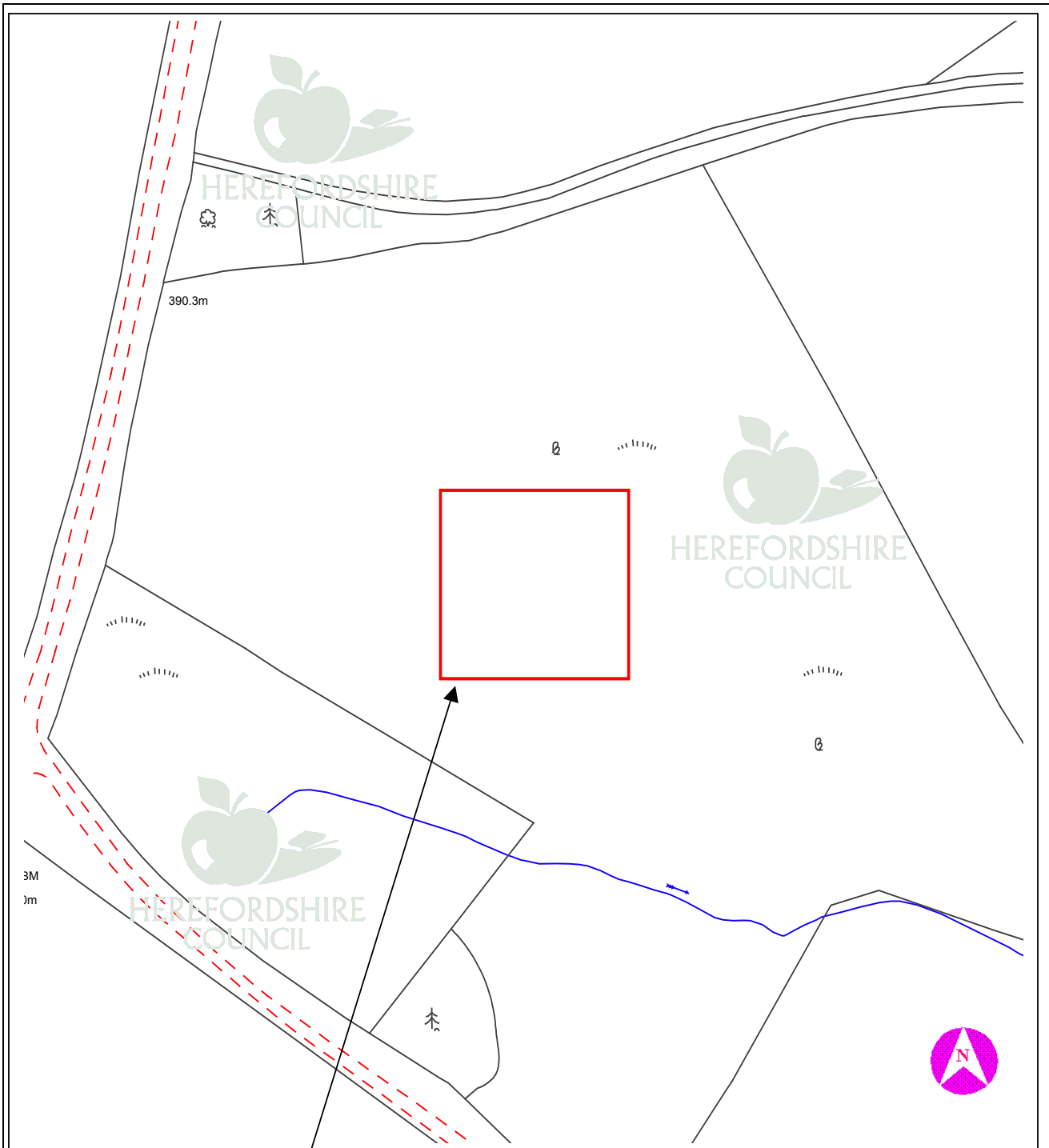
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2008/1598/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land to the East of Llanshay Lane, Reeves Hill.

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